

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #5	CCRB Case #: 201808957	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 10/29/2018 11:30 AM	Location of Incident: 71st Precinct stationhouse	Precinct: 71	18 Mo. SOL 4/29/2020	EO SOL 12/14/2020	
Date/Time CV Reported Mon, 10/29/2018 12:06 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/29/2018 12:06 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Fitzroy Vigilance	04583	918667	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Minero	16178	957862	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Fitzroy Vigilance	Abuse: Sergeant Fitzroy Vigilance did not process § 87(2)(b) s complaint regarding an officer.	

Case Summary

On October 29, 2018, § 87(2)(b) filed this complaint over the phone with the CCRB.

On October 29, 2018, at approximately 11:30 a.m., § 87(2)(b) went to the 71st Precinct stationhouse to file a complaint against an officer who wrote him a parking ticket the previous night. § 87(2)(b) spoke to Police Officer Daniel Minero, who directed him to the desk sergeant, Sergeant Fitzroy Vigilance. § 87(2)(b) asked Sgt. Vigilance multiple times if he could file a complaint against an officer. Sgt. Vigilance told § 87(2)(b) that the precinct does not take complaints against officers and that § 87(2)(b) should call the CCRB (**Allegation A: Abuse of Authority**, § 87(2)(g)).

The investigation obtained stationhouse footage in this case which showed § 87(2)(b) entering and leaving the stationhouse, but which did not show the interaction between § 87(2)(b) and the officers (BR04).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Fitzroy Vigilance did not process § 87(2)(b)'s complaint regarding an officer.

§ 87(2)(b) testified that he entered the stationhouse and told PO Minero that he would like to file a complaint against an officer who wrote him a summons (BR01). PO Minero asked § 87(2)(b) about the summons and attempted to find the precinct's copy without success. PO Minero told § 87(2)(b) "We can't take complaints against officers." Sgt. Vigilance then entered the conversation, and § 87(2)(b) asked Sgt. Vigilance if he could file a complaint against an officer. Sgt. Vigilance told § 87(2)(b) that he could not take complaints against officers, but that he would talk to the officer who issued him a summons. § 87(2)(b) asked a third time if he could file a complaint against the officer. Sgt. Vigilance replied, "If you want to file a complaint, call this number," and pointed to a sign advertising the CCRB. § 87(2)(b) left the stationhouse and called the CCRB shortly thereafter to file his complaint.

PO Minero confirmed that § 87(2)(b) told him that he wanted to file a complaint against the officer who issued him a summons because he believed the officer was harassing him (BR03). PO Minero asked Sgt. Vigilance for assistance, and Sgt. Vigilance spoke to § 87(2)(b). PO Minero did not hear specifically what § 87(2)(b) or Sgt. Vigilance said during their conversation. Before § 87(2)(b) left the stationhouse, PO Minero heard him ask to file a complaint again. PO Minero and Sgt. Vigilance both pointed to a sign advertising the CCRB and told § 87(2)(b) to call the phone number on the sign. § 87(2)(b) thanked the officers and left the stationhouse.

Sgt. Vigilance confirmed that he was working as the desk officer at the time of the incident, but he testified that he had no recollection whatsoever of the incident (BR02). As a result, he did not recall if § 87(2)(b) attempted to file a complaint with him about an officer, and did not recall if he directed § 87(2)(b) to call the CCRB. When asked in his CCRB interview to describe how civilians can file complaints against officers, Sgt. Vigilance said that they can do so by mail, by phone, or in person at a stationhouse. He explained that the procedure for processing a civilian

complaint at a stationhouse begins with an interview of the complainant, and that eventually a supervising officer calls IAB to obtain a CCRB complaint number and to get further instructions.

§ 87(2)(g)

NYPD Patrol Guide Procedure 207-31 states that an officer should respond to a civilian who wishes to file a complaint in person at a stationhouse by interviewing the civilian, giving the civilian a complaint form to complete, and ensuring that the civilian signs the form. The officer then is required to prepare a civilian complaint report and to immediately notify the CCRB of the complaint by phone (BR05).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR06).
- Sergeant Fitzroy Vigilance has been a member of service for 22 years and has been a subject in 27 CCRB complaints and 57 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b)
- On April 12, 2019, the New York City Office of the Comptroller confirmed that no Notice of Claim had been filed in regard to this incident (BR09).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date